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*By: SPERO T. LAPPAS, Esquire
 Pa. Supreme Court identification no. 25745
 ATTORNEY FOR PLAINTIFF*

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE OF PENNSYLVANIA

CINDY L. RIGG, Plaintiff	:	
v.	:	CIV NO. 4:CV-01-0967
COUNTY OF DAUPHIN, DAUPHIN COUNTY SHERIFF'S DEPARTMENT, RALPH McAllister, Defendants	:	JURY TRIAL DEMANDED
	:	Rambo
	:	(JUDGE McCLEURE)

PLAINTIFF'S MEMORANDUM IN OPPOSITION TO
 DEFENDANTS DAUPHIN COUNTY'S AND DEFENDANT SHERIFF'S DEPARTMENT'S
 MOTION TO DISMISS

The Defendants' motion to dismiss seeks to dismiss the quid pro quo, but not the hostile environment, claim against Dauphin County under Title VII; the Plaintiff's claim for punitive damages against the County defendants;

and the claim against the Sheriff's department as a separate defendant.¹ The Plaintiff agrees to the grant of this relief with the following provisos.

Although the Defendants' Brief on its face seeks to "dismiss the Plaintiff's Amended Complaint and enter judgement in favor of Moving Defendants" (pages 14-15) discussions between counsel for the parties have determined that the County defendants are not seeking the dismissal of the entire complaint against them, and that they do not attack the hostile environment claim in their Motion.²

With respect to the Sheriff's department as a separate defendant, the plaintiff will agree with that contention in the event that the county defendants are no longer claiming that the Plaintiff and the Defendant are employed by separate employers. However, the Plaintiff requests that the Sheriff be preserved as a defendant pending the filing of the County's answer to the amended complaint. If the County agrees that it employed both

¹McAllister is not party to any motions to dismiss the Amended Complaint. He has filed an answer.

²The Plaintiff does not read her Amended Complaint to contain a quid pro quo claim against the county defendants, but it does contain a hostile environment claim at paragraph 19 and elsewhere.

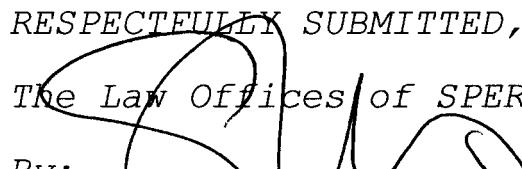
the Plaintiff and McAllister, the Plaintiff will dismiss the Sheriff as a separate defendant.

The Plaintiff agrees to the dismissal of her claim for punitive damages against the County defendants.

Although the County argues extensively about the nature of McAllister's assault on the Plaintiff, it does not appear that the County raises this as a separate ground for relief.

WHEREFORE, the Plaintiff will agree to the dismissal of her punitive damage claim against the County, the dismissal of the Sheriff as a separate defendant when and if the County admits that it employed both the Plaintiff and McAllister, and the dismissal of the quid pro quo claim against the County (if such a claim can be read into the Amended Complaint).³

RESPECTFULLY SUBMITTED,

The Law Offices of SPERO T. LAPPAS

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³But not the hostile work environment claim.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true copy of the attached document upon the person(s) named below by mailing a copy addressed as follows, postage pre-paid, deposited into the U. S. Mail at Harrisburg, Pa.

JAMES YOUNG, ESQUIRE
LAVERY, FAHERTY, YOUNG AND PATTERSON, PC
301 MARKET STREET
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RALPH GODFREY, ESQUIRE
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RESPECTFULLY SUBMITTED,

The Law Offices of SPERO T. LAPPAS

By:

April 12, 2002